IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3746 of 2005

Between:

The Tanuku Club, Rashtrapathi Road, Tanuku, W.G.District, rep. by its Secretary Emany Ammanna Sastry.

..... PETITIONER

AND

1 The Supt of Police, W.G.District, Eluru.
2 The Deputy Superintendent of Police, Kovvur, W.G.District.
3 The Inspector of Police, Tanuku, W.G.District.
4 The Station House Officer, Tanuku Town P.S., Tanuku, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Pass an order or orders or writ more particularly one in the nature of Writ of Mandamus directing the respondents to forbear from interfering /obstructing the petitioner club from conducting the Card room where the members and guests of the petitioner club are allowed to play the game of Rummy/Syndicate with stakes as arbitrary, illegal and contrary to the directions of the Hon'ble Apex Court as well this Hon'ble Court and in violation of the Article 14 and21 of the Constitution of India, and pass such further or other orders or orders.

Counsel for the Petitioner: MR.RAMBABU MULLAPUDI

Counsel for the Respondents.: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in *State of A.P. v. K. Satyanarayana*, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not

interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. There shall be no order as to costs.

11.03.2005

Note:

Issue CC in two days.

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To

1 The Supt of Police, W.G.District, Eluru.
2 The Deputy Superintendent of Police, Kovvur, W.G.District.
3 The Inspector of Police, Tanuku, W.G.District.
4 The Station House Officer, Tanuku Town P.S., Tanuku, W.G.District.

5 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

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